

**In the Specification**

Please amend the specification as follows:

**Change paragraph 0030**

In the method in step 74 the tester receives the packet and checks the packet using CRC for errors. If errors exist, the packet is then checked in step 76 for the number of bits in the packet. If the number of bits doesn't match the number of bits in a test packet, the packet is discarded. ~~If the number of bits is the correct number of bits in a test packet the packets is then checked for the test pattern in step 88. If the number of bits is the correct number of bits in a test packet, the~~ CRC packet discard facility is bypassed and the packets are then checked for the test pattern in step 88. Since the test pattern is repeated multiple times throughout the packet, step 88 will not require that the test pattern be observed in all parts of the packet. Identifying the test pattern in one part of the packet will be sufficient. Other portions of the packet may have been corrupted by errors and so long as one portion of the pattern remains intact that is sufficient to identify the packet as a test packet and pass the packet on to step 84. This step is important because any errors in the packet at this point must have been caused by the downstream path, since errors in the upstream path would have resulted in the packet being discarded at the CMTS and never be returned. Because the errors must have been caused by the downstream this packet still needs to be counted in the measurement calculation in subsequent steps. If in step 74 the CRC found no errors, then the packet is tested for a test pattern in step 78. If this packet is a test packet it will have no errors so the entire test pattern should be intact. If the packet is identified to be a test packet in step 78, then it is passed to step 84. If it is not identified to be a test packet in step 78, it is passed to step 90 and used for other purposes such as a computer connected to the tester.

**Change paragraph 0033**

~~Referring to FIG. 6 another embodiment of this invention would be to not check for CRC errors in step 74 during any time a measurement is being made and~~

simply pass all packets to step 78 regardless of whether errors exist. Referring to FIG. 6 another embodiment of this invention would be to completely bypass the CRC error checking and discarding in step 74 during any time a measurement is being made and simply pass all packets to step 78 regardless of whether errors exist. Step 78 would then check for the test pattern and the process would continue in the same fashion as in FIG. 6. The disadvantage of this embodiment is that the tester may also be used simultaneously for data communications with a computer or for other purposes. Not checking for CRC errors in step 74 during a measurement interval could pass errored packets on to the computer step 90, since there is no way to know at this point whether the packet was a test packet or a data packet destined for the computer or other use.